

STATE OF VERMONT  
PUBLIC SERVICE BOARD

Docket No. 8562

Petition of GMPSolar - Williston, LLC for a certificate )  
of public good, pursuant to 30 V.S.A. §§ 219a, 229, and )  
248, authorizing the installation and operation of a 4.69 )  
MW net-metered solar electric generation facility near )  
Mountain View Road in Williston, Vermont, to be )  
known as the "GMPSolar Williston Project" )

Order entered: 8/28/2015

**PREHEARING CONFERENCE MEMORANDUM AND SCHEDULING ORDER**

On August 26, 2015, the Public Service Board ("Board") held a prehearing conference in this matter. Appearances at the prehearing conference were entered by Geoffrey Hand, Esq., and Victoria Westgate, Esq., Dunkiel Saunders Elliott Raubvogel & Hand, PLLC, on behalf of GMPSolar - Williston, LLC ("GMPSW"); Jeannie Oliver, Esq., and Timothy Duggan, Esq., on behalf of the Vermont Department of Public Service; Jennifer Duggan, Esq., on behalf of the Vermont Agency of Natural Resources; and Dale Azaria, Esq., on behalf of the Vermont Division for Historic Preservation ("VDHP").<sup>1</sup>

At the prehearing conference, the Board raised three issues that it asked GMPSW to address in supplemental prefiled testimony and briefing. First, the Board asked GMPSW to address in a supplemental brief whether the proposed solar project qualifies as a net metering facility in light of certain language in 30 V.S.A. § 219a(m)(3). That statute requires a facility to "be installed . . . by a customer or group of customers" in order to qualify as a net metering facility. According to the petition and prefiled testimony, the proposed project would not be "installed" by a customer in the normal sense of that word, but would instead be installed by GMPSW. Second, the Board asked GMPSW to explain in supplemental prefiled testimony whether GMPSW should be required to propose a specific decommissioning plan pursuant to

---

1. Because VDHP is not a statutory party to this proceeding, VDHP will need to file a motion to intervene pursuant to PSB Rule 2.209 if it wishes to participate as a party. At that time, counsel for VDHP must also file a notice of appearance pursuant to PSB Rule 2.201(A).

PSB Rule 5.402(C)(2), and if not, why not. Third, the Board asked GMPSW to address in supplemental prefiled testimony the specifics associated with Green Mountain Power Corporation's<sup>2</sup> intended cost-recovery mechanism for recovery of capital costs and expenses related to the proposed project. The deadline for GMPSW to make these supplemental filings is established in the schedule we adopt, below.

The parties presented the Board with an agreed-upon scheduling proposal which, for the most part, we adopt below. However, some minor adjustments were necessary due to pre-existing scheduling conflicts at the Board. Accordingly, we adopt the following schedule for this proceeding:

Event	Date
Petitioner files supplemental testimony and briefing, rolling discovery on Petitioner begins with responses due within 10 calendar days	September 9, 2015
Site visit and public hearing	September 16, 2015
Deadline for Motions to Intervene	September 23, 2015
Replies to Motions to Intervene	September 25, 2015
Last day to serve discovery on Petitioner by state agencies	October 7, 2015
Last day to serve discovery on Petitioner by non-state agency intervenors	14 calendar days after Board issues Order on intervention requests. Responses due within 5 calendar days
Non-petitioners file direct testimony	November 6, 2015
Discovery on non-petitioners' direct testimony	November 11, 2015
Non-petitioners respond to discovery	November 25, 2015
Stipulations filed if any, and/or Petitioner files rebuttal testimony	December 1, 2015

---

2. Green Mountain Power Corporation ("GMP") is, to date, not a party to this proceeding. However, the two witnesses sponsored by GMPSW that provided testimony on the financial aspects of and GMP's relationship to the project, Kirk Shields and Douglas Smith, are employees of GMP.

Discovery requests served on Petitioner rebuttal testimony	December 4, 2015
Petitioner replies to discovery requests on rebuttal	December 9, 2015
Technical hearing	Week of January 4, 2016
Parties to file schedule for post-hearing briefs	Day of technical hearing

The Office of the Clerk will send out a separate notice confirming the date, time, and location of the site visit and public hearing.

Parties must submit an original and six copies of all filings with the Board, with the exception of discovery requests and responses, where only one copy needs to be filed. In addition to the required hard copies, parties are requested to submit all filed materials in electronic format via e-mail attachment to the Clerk of the Board at [psb.clerk@vermont.gov](mailto:psb.clerk@vermont.gov) or on a CD or DVD delivered along with the paper copies. Documents submitted in .pdf format should be in an "unlocked" format, i.e., searchable and extractable, rather than in an image format.

**SO ORDERED.**

Dated at Montpelier, Vermont, this 28<sup>th</sup> day of August, 2015.

<u>s/James Volz</u>	)	
	)	PUBLIC SERVICE
	)	
<u>s/Margaret Cheney</u>	)	BOARD
	)	
	)	OF VERMONT
<u>s/Sarah Hofmann</u>	)	

OFFICE OF THE CLERK

FILED: August 28, 2015

ATTEST: s/Judith C. Whitney  
Deputy Clerk of the Board

*NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@vermont.gov)*